

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

JAMES WHITFIELD LIVINGSTON
148 STONE CREST DRIVE
Nashville, TN 37209
SSN: xxx-xx-2895

} Case No. 3:20-bk-03559
} Chapter 7
} Judge Harrison
}

Debtor

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: JULY 19, 2021
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: AUGUST 3, 2021
AT 9:00 A.M., by AT&T conference line number 1-888-363-4749, Access Code 4511038#**

**NOTICE OF DEBTOR'S LIMITED OBJECTION TO CLAIM OF FIRST HERITAGE
CREDIT**

The Debtor has asked the Court for the following relief:

**APPROVAL OF DEBTOR'S LIMITED OBJECTION TO CLAIM OF
FIRST HERITAGE CREDIT**

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Clerk's Intake Department
at (615)736-5584.

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: June 18, 2021

Signature: /S/ STEVEN L LEFKOVITZ
Steven L. Lefkovitz, No. 5953
Attorney for Debtor
618 Church Street, Suite 410
Nashville, Tennessee 37219
Phone No.: (615) 256-8300
Fax No.: (615) 255-4516
Email: slefkovitz@lefkovitz.com

CERTIFICATE OF SERVICE

I hereby certify that I have sent a true and exact copy of the foregoing to the Assistant United States Trustee; Robert Waldschmidt, Chapter 7 Trustee; and all other parties of record to receive notice electronically via the United States Bankruptcy Court's CM/ECF system, on June 18, 2021

I further certify that I have sent a true and exact copy of the foregoing to the Debtor, JAMES WHITFIELD LIVINGSTON, 148 STONE CREST DRIVE, Nashville, TN 37209, and First Heritage Credit, 122 SOUTH HARTMANN DRIVE, Suite A, Lebanon, TN 37090, and First Heritage Credit, c/o Kevin Jones, 1801 8th Avenue South, Suite 100, Nashville, TN 37203 by U.S. Mail, postage prepaid, on June 18, 2021

/S/ STEVEN L. LEFKOVITZ
Steven L. Lefkovitz

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LIMITED OBJECTION TO CLAIM OF FIRST HERITAGE CREDIT

Comes the Debtor, through counsel, and pursuant to Bankruptcy Rules 3001, and 3007 hereby objects to the classification of the claim of First Heritage Credit filed herein as secured on July 30, 2020, for \$2,794.34 (Court's Claim No. 1). In support, it shall be shown unto the Court that this claim was secured by a trailer that was totaled and the balance owed for \$2,794.34 is now an unsecured deficiency claim. Accordingly, the Debtor disputes the secured classification of the claim for \$2,794.34 due to it presently being an unsecured deficiency claim.

WHEREFORE, the Debtor prays that the above-referenced claim of First Heritage Credit filed herein on July 30, 2020 for \$2,794.34 (Court's Claim No. 1) be disallowed as secured but allowed as a general unsecured claim for \$2,794.34. This appears to be an asset case; therefore, the Debtor has standing to raise this objection to the claim.

Respectfully submitted,

LEFKOVITZ & LEFKOVITZ

/S/ STEVEN L. LEFKOVITZ

Steven L. Lefkovitz, No. 5953
Attorney for Debtor
618 Church Street, Suite 410
Nashville, Tennessee 37219
Phone: (615) 256-8300
Fax: (615) 255-4516
Email: slefkovitz@lefkovitz.com

CERTIFICATE OF SERVICE

I hereby certify that I have sent a true and exact copy of the foregoing to the Assistant United States Trustee; Robert Waldschmidt, Chapter 7 Trustee; and all other parties of record to receive notice electronically via the United States Bankruptcy Court's CM/ECF system, on June 18, 2021

I further certify that I have sent a true and exact copy of the foregoing to the Debtor, JAMES WHITFIELD LIVINGSTON, 148 STONE CREST DRIVE, Nashville, TN 37209, and First Heritage Credit, 122 SOUTH HARTMANN DRIVE, Suite A, Lebanon, TN 37090, and First Heritage Credit, c/o Kevin Jones, 1801 8th Avenue South, Suite 100, Nashville, TN 37203 by U.S. Mail, postage prepaid, on June 18, 2021

/S/ STEVEN L. LEFKOVITZ

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Debtors

VERIFIED STATEMENT

Comes JAMES WHITFIELD LIVINGSTON and hereby verifies under penalty of perjury that the following information is true and correct to the best of my knowledge, information and belief:

- 1) I am the Debtor in the above-referenced Chapter 7 proceeding.
- 2) I object to the claim of First Heritage filed on July 30, 2020 in the amount of \$2,794.34 (Court's Claim No. 1) to the extent that any portion of the claim is secured, but do not object to treating the claim as unsecured.
- 3) The claim of First Heritage was filed as secured by a trailer. However, the trailer was involved in an automobile accident and deemed a total loss. The deficiency balance on the claim is therefore \$2,794.34, and the claim should be allowed only as an unsecured claim.



JAMES WHITFIELD LIVINGSTON,
Debtor
Date: 6-14-2021

PROPOSED ORDER

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

JAMES WHITFIELD LIVINGSTON	}	Case No. 3:20-bk-03559
148 STONE CREST DRIVE	}	Chapter 7
Nashville, TN 37209	}	Judge Harrison
SSN: xxx-xx-2895	}	

Debtor

ORDER GRANTING DEBTOR'S LIMITED OBJECTION TO THE CLAIM OF FIRST HERITAGE CREDIT

Upon the Debtor's Limited Objection to the Claim of First Heritage Credit and Notice thereon, having been filed with this Court and served upon all affected creditors and parties-in-interest on June 18, 2021; there having been no written responses to the Objection filed with the Clerk of Court within 30 days of Notice, pursuant to LBR 9013-1; and, upon the entire record herein the Court finds that said objection is well taken, and

It is so **ORDERED** that the claim of First Heritage Credit filed herein on July 30, 2020, for \$2,794.34 (Court's Claim No. 1) is disallowed as secured but allowed as a general unsecured claim for \$2,794.34.

**THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY
AS INDICATED AT THE TOP OF THE FIRST PAGE.**

APPROVED FOR ENTRY:

LEFKOVITZ & LEFKOVITZ

Steven L. Lefkovitz, No. 5953
Attorney for Debtor
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